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SUBJECT: ASSESSING THE IMPACT OF THE NGO EXPULSION AMIDST CONTINUED DIPLOMATIC EFFORTS TO REVERSE THEM

REF: (A) KHARTOUM 299

(B) KHARTOUM 306

SUMMARY

¶1. (SBU) SUMMARY: The impact of the expulsion of more than 13 NGOs from Sudan (ten international expelled and three domestic NGOs dissolved) is only beginning to be felt, and the NGO staff report considerable harassment from the GOS Humanitarian Affairs Commission (HAC) as they attempt to organize themselves for departure. This cable provides a preliminary overview of the impact that the departure of these NGOs will have on USG programs in Sudan, as well as some proposals on mitigating the effect of the departures, if the expulsions orders cannot be reversed. Post continues to press GNU officials and coordinate with implementing partners to determine the extent of the program impact of the expulsions as well as supplementary measures to ameliorate the increasingly dire situation. Embassy raised it with NISS officials on March 6 and CDA Fernandez is meeting with additional senior regime and NCP party officials March 7 to continue efforts to reverse or delay the expulsions. UN SRSG Qazi is making similar efforts, and we are coordinating our message closely with the UN and with other donors on a daily basis. END SUMMARY.

WHERE WILL IT END?

¶2. (SBU) It is possible that we have not seen the last of the expulsions of NGOs, though there have been no additional announcements since March 5. On March 5, UN-OCHA staff inquired whether the GNU HAC planned to issue additional expulsions or notices to other parties. According to the GNU HAC Commissioner, "It is very likely. We are under a very unusual circumstance which calls for unusual measures." (NOTE: HAC has justified the expulsions by arguing that the 2006 Humanitarian Law designed to protect against dramatic program interruptions and other significant problems is currently inapplicable because the current situation is an "emergency situation that requires emergency decisions." This is how the GNU has justified allowing the NGOs only five days to organize their affairs and depart Sudan, rather than the thirty days that should be allowed based on their agreements with the government. END NOTE).

HARASSMENT OF NGO STAFF, SEIZURE OF PROPERTY

¶3. (SBU) There have been several incidents of harassment of NGO staff while the HAC has been in the process of seizing their property. On March 5, Action Contre la Faim (ACF) reported that expatriate staff had departed Kass internally displaced person (IDP) camp in Nyala, South Darfur, and were en-route to Nyala Airport for the joint African Union-UN Hybrid Operations in Darfur flight to Khartoum. According to ACF, officials from the GNU HAC in Nyala arrived at the organization's offices earlier in the day and demanded that ACF staff leave the facility immediately and not return. Under duress, ACF staff surrendered all project and office equipment at the location.

¶4. (SBU) Also on March 5, USAID/OFDA implementing partner CHF International reported that GNU HAC authorities continued to unobtrusively observe CHF operations in Khartoum. While CHF noted that GNU authorities have not yet seized CHF funds, the organization's bank accounts remain frozen, disrupting plans to pay local staff salaries before the expatriate staff depart on March 6 and 8. CHF did note that they were having no problems getting exit visas, which are being immediately processed by the GNU HAC. Other expelled organizations note that the GNU HAC has sent teams of between four and eight individuals to the organizations' offices to oversee close-out activities. (NOTE: NGO staff commented that some of the GNU HAC staff at NGO offices appear pleasant and almost apologetic for the disturbance, perhaps yet another indication of how the expulsion notices are coming from very high up in the Sudanese government, rather than from within the GNU HAC itself. END NOTE)

¶5. (SBU) To date, the GNU HAC has seized assets from several
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partners including ACF, CHF, IRC, Save the Children/US, Solidarites, Mercy Corps and CARE. In addition to itemizing and confiscating project assets including vehicles, computers, and communications equipment, the Sudanese government has also confiscated personal assets from program staff, including passports. On the evening of March 5, GNU National Security (NS) staff ransacked personal luggage and confiscated personal effects of 91 NGO staff evacuating from Nyala, including laptops, cell phones, i-pods, and cameras. DSRSG Ameerah Haqq told CDA Fernandez on March 6 that she had spent that morning calming and commiserating with the humanitarian workers in Khartoum (Embassy will be meeting with the same people on March 8).

¶6. (SBU) While working to ensure the safety of expatriate staff and project assets, we remain concerned about the safety of NGO local staff and their families, particularly due to the Sudanese government's seizure of NGO computers that contain sensitive and extensive personnel files and program information. NGOs recently evacuated from Darfur report some local staff being detained by National Intelligence and Security Services (NISS) and questioned extensively, leaving many local staff members distraught and shaken. Although expatriate staff will depart Sudan by early next week, the local staff are unable to leave the country and may continue to be subjected to government harassment long after their expatriate colleagues have safely departed.

¶7. (SBU) In addition to local staff of international organizations, Sudanese staff of domestic civil society and community-based organizations are at risk. The GNU has dissolved three prominent domestic organizations - SUDO, Khartoum Center for Human Rights, and Amel Center - all of which work on human rights issues in Darfur and Khartoum. SUDO is the sole provider of emergency health care in overcrowded Zam Zam camp in North Darfur, which has recently been absorbing thousands of IDPs fleeing the JEM-SAF fighting in Muhajeria, as well as other humanitarian assistance in other parts of Darfur. Amel Center has worked tirelessly since the Darfur crisis began to provide legal services to IDPs, particularly women victims of violence. Local sources report that a number of civil society and human rights activists in Khartoum left the city with their families in advance of the March 4 announcement. The closure of these organizations, among the most effective in Sudan, will have a silencing effect on domestic voices advocating justice and

protection for the most vulnerable. Suspicious NCP officials justified the closures by claiming that "Sudan is now at war" and these organizations could be used as fifth columnists as we done by the West in Yugoslavia and Georgia.

18. (SBU) USAID staff note security concerns for NGO expat staff and ongoing bureaucratic impediments. During the morning of March 5, GNU authorities prohibited NGO staff from departing Nyala, South Darfur, for Khartoum. Reasons behind the decision remain unknown. On the same day, staff members from Solidarites reported a hostile altercation between UNAMID and NISS during the evacuation of Solidarites offices in Nyala. The altercation reportedly resulted in NISS shoving a staff member of Solidarites face-down into the ground with a gun pointed to his head. (NOTE: Normal evacuation procedures in Darfur involve an armed UNAMID convoy that escorts the evacuees from point A to point B. It is unclear as to why NISS was present at the Solidarites offices. END NOTE.) Several NGOs have reported being met at the Khartoum airport by GNU HAC staff and followed to their offices and guesthouses with GNU HAC staff remaining outside overnight. NGOs are currently unable to move around town without someone from the GNU HAC accompanying them.

MEASURING THE EXPULSION'S IMPACT

19. (SBU) According to the UN, the loss of the NGOs means that in Darfur, 1.1 million individuals will not receive food aid, 1.5 million will not have health care, and more than 1 million will not have access to safe and clean drinking water. Critical activities supporting CPA implementation in the volatile Three Areas, including local government integration and conflict resolution between heavily armed, rival tribes, will also cease if the implementing NGOs depart Sudan. The extent to which these expulsions have eroded operational capacity in Darfur and the Three Areas is so great that it is difficult to see how the immense assistance gap being created by these NGO departures can ever be fully covered even if basic needs can somehow be satisfied. USAID and the UN agree that the immediate

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humanitarian operational capacity in Darfur has been reduced by at least 60 percent, including health, nutrition, and livelihoods and provision of non-food commodities. Approximately 40 percent of WFP's monthly general food distribution caseload and approximately half of WFP's supplementary feeding programs in Darfur were implemented by the expelled NGOs. Although several relief organizations and the UN have appealed to the GNU to reverse or delay the decision to expel NGOs, to date, the GNU has been unyielding, and has stated that the decision will not be reversed. Haqq told CDA that even some lower level regime institutions, such as state and local health ministries, have complained of their inability to fill the gap. Even if the decision is reversed, the ability of the humanitarian community to fully reinstate programs at this point will be difficult. We caution that scaling up existing NGO programs or initiating new partner programs will be an extremely complicated and difficult process given the hostile environment created by the regime. We are currently considering several options for the continuity of programs in Darfur and the Three Areas including, but not limited to: expanding UN and remaining NGO humanitarian operations; reprioritizing remaining NGO assets and new funding to critical life-saving operations, such as therapeutic and supplemental feeding, and emergency health care; reprogramming unspent funding from expelled NGOs to remaining humanitarian agencies to expand programs and; preparing for new humanitarian needs and the possibility of new displacements. Ashraf Qazi told CDA on March 7 that the UN is exploring similar "alternate modalities" to present to the regime later on March 7 to avert wholesale implosion.

IDP CAMPS STILL QUIET, FOR NOW

110. (SBU) On March 5, local sources in Darfur reported calm security conditions in area IDP camps and a lack of understanding among the IDPs regarding the permanent nature of the NGO expulsions.

There are concerns that the IDP camps may experience increased levels of violence once IDPs learn of the immediate, permanent service cancellation. On March 5, international news media reported discontent and concern among some IDPs when aid staff were absent from IDP camps and the magnitude of the GNU's decision began to circulate. UNAMID will be the immediate recipients of IDP ire if the services gap becomes permanent.

COMMENT

¶11. (SBU) If the GNU decision to expel the NGOs is not reversed or modified, as time goes on the humanitarian situation will become increasingly dire for conflict-affected populations. The immediate lack of food-aid, water, health care, and hygiene and sanitation services for more than 2 million people will lead to an increase in disease and mortality, and an increase in malnutrition in the medium term. As programs close or reduce services, IDPs are likely to move to areas where humanitarian services remain, including urban centers in Darfur or across the border to Chad. In its desire to retaliate against the international community for the ICC decision, the Sudanese government has once again used the humanitarian aid programs and NGOs as a weapon against those governments and international organizations they perceive to be against them. Unfortunately the impact of the GNU's latest move will be felt most by the millions of IDPs and vulnerable groups in Darfur and the Three Areas. The coming weeks and months will reveal the full impact of the government's actions, which over time will be measured not by the number of NGOs the government successfully expels, but by the number of Sudanese civilians who will continue to suffer and die. Post will work with the UN and other donors to attempt to mitigate the effect of the departures of the NGOs, perhaps by quietly delaying them while developing options for filling what appear now to be extremely large gaps. While the regime sees the expulsions as a "measured response" against the ICC and its perceived patrons in the West, it is also a power grab in Darfur seeking to isolate IDP populations, weaken their autonomy and make them utterly dependent on regime largesse. The regime expects that the West will continue to foot the bill for the massive humanitarian effort in Darfur but channel it through a malleable UN (at best) or through the goons of HAC and NISS (at worst).

¶12. (SBU) CDA Fernandez is meeting with additional senior regime and

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NCP party officials on March 7 to continue to attempt to reverse or delay the expulsions (septel). RAO delivered the same message to NISS DG Salah Ghosh on March 6. He has encouraged senior SPLM officials and Senior Assistant to the President Minnawi to send similar messages to the NCP. UN SRSG Ashraf Qazi is also meeting with many of the same senior regime officials on March 7 to present figures on the disastrous impact of the departures on the UN work program, not to mention the lives impacted in Darfur, the Three Areas, and the East. We have been in almost hourly contact with the UN and with donors and will continue to coordinate our efforts.

FERNANDEZ